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Opinion Committee

TEXAS HOUSE OF REPRESENTATIVES

JAMES E. "PETE" LANEY
SPEAKER

MBJ

February 2, 1993

FILE # ~~MB 18958~~

I.D.# 18958

The Honorable Dan Morales
Texas Attorney General
P.O. Box 12548
Austin, Texas 78711

RQ-492

Dear General Morales:

In reviewing several issues which former Speaker Lewis initiated before he left office, it has come to my attention that he requested an official opinion from you regarding the authority of the Texas Board of Licensure for Nursing Home Administrators to collect and spend certain fees.

Since the Legislature may need to take your response into consideration in the development of an appropriations bill for the 1994-1995 biennium, I would appreciate a status report on the opinion as early as possible.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Laney".

James E. "Pete" Laney
Speaker

JEL/dll



GIBSON D. (GIB) LEWIS
SPEAKER

MBJ
file # ML-18386-93
IDA 18386

December 29, 1992

The Honorable Dan Morales
The Attorney General
P.O. Box 12548
Austin, Texas 78711

Dear Mr. Attorney General:

I am requesting a legal opinion regarding the following questions:

1. Under current governing statutes, does the Board of Licensure for Nursing Home Administrators (TBLNHA) have authority to collect a \$10 fee for each administrator-participant in all education courses approved by the TBLNHA for continuing education units (CEUs) when:

- such fee is above and beyond the fee charged to the participant by the course provider;
- when the fee is in addition to the fee charged by TBLNHA to the course provider for approval of the course for CEUs;
- when the course provider is the entity to be assessed and responsible for payment of the fee; and
- when TBLNHA will deny credit to the administrator-participant for the course completed if the \$10 fee is not paid?

2. If TBLNHA has the authority to collect the \$10 fee, may the agency then use these revenues to supplement its legislative appropriation?

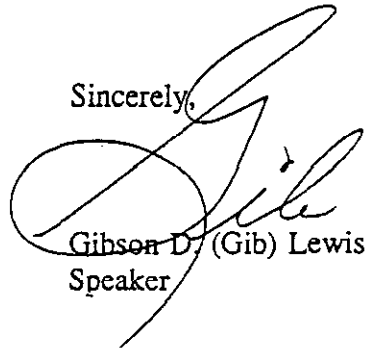
On December 8, 1992, the Texas Board of Licensure for Nursing Home Administrators (TBLNHA) approved a rule that implements a \$10 fee for each participant in any course approved for continuing education units (CEUs) by TBLNHA. The Board cites as

authority for adoption of this rule Texas Civil Statutes, Article 4442d, Section 8. The fee is to be assessed against the course provider. The fee is in addition to fees already paid by the participant to the course provider and by the course provider to TBLNHA.

I would like to know whether TBLNHA has the statutory authority to collect the fee and to use these revenues to supplement the agency's legislative appropriation.

I appreciate your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gibson D. Lewis", written over the printed name and title.

Gibson D. (Gib) Lewis
Speaker

GDL/cbo